



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUN 17 2019

CERTIFIED MAIL 7017 1450 0000 7972 1957
RETURN RECEIPT REQUESTED

Mr. Matthew A. Gernand
General Attorney, Law Department
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9241

Re: Information Request under Sections 308 and 311 of the Clean Water Act
Overfill discharge of diesel fuel from tanker truck at Norfolk Southern Railyard in
Meridian, Mississippi on February 13, 2019
NRC No. 1237523 & 1237525

Dear Mr. Gernand:

This letter is to request that Norfolk Southern Corporation (Respondent) respond to the enclosed Information Request. The Federal Clean Water Act (CWA), 33 U.S.C. § 1251-1387, prohibits the discharge of oil or hazardous substances into waters of the United States or adjoining shorelines in such quantities as may be harmful. The U.S. Environmental Protection Agency's regulations at 40 C.F.R. Part 110 explain that, among other things, a discharge of oil that causes a film, sheen, discoloration, sludge or emulsion or violates applicable water quality standards is considered to be in a quantity that may be harmful. In addition, the EPA's regulations at 40 C.F.R. Parts 116 and 117 designate hazardous substances under Section 311(b)(2)(A) of the CWA, and the reportable quantities of such hazardous substances that when discharged are considered to be in quantities that may be harmful. Each discharge of oil or hazardous substances into waters of the United States in a quantity that may be harmful constitutes a violation of Section 311(b)(3) of the CWA, 33 U.S.C. §1321(b)(3).

The EPA has information suggesting that the discharge event described above and associated with NRC No. 1237523 & 1237525 may have been a violation of the CWA. Sections 308(a) and 311(m) of the CWA, 33 U.S.C. §1318(a) and 1321(m), authorize EPA to require any person to provide information needed to determine whether there has been a violation of the CWA. Accordingly, the EPA requests that the Respondent respond to the inquiries in the Information Request (Enclosure 1) within 21 calendar days of your receipt of this letter.

The Respondent should answer each question in the enclosed Information Request as clearly and completely as possible. The Respondent's response to this Information Request must be accompanied by the Statement of Certification in Enclosure 2, signed and dated by you or the person who is authorized by the Respondent to respond to the request. The signed Certification Statement certifies, among other things, that the response to the Information Request is complete and contains all information and

documentation available to the Respondent pursuant to the request. Please submit the written response within 21 calendar days of receipt of this letter to:

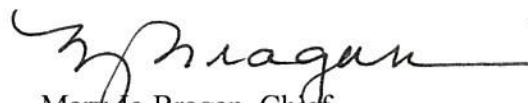
Mr. John C. Goodwin
Water Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Although the information requested must be submitted to the EPA, the Respondent is entitled to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. § 2.203, covering part or all of the information, by clearly identifying it as "confidential" using a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential. The Respondent should clearly mark as "confidential" any parts of otherwise non-confidential documents and may submit them separately to help the EPA handle and identify them. Unless a confidentiality claim accompanies the information when it is received by the EPA, the information may be made available to the public without further notice to the Respondent.

Compliance with this letter is mandatory. If the Respondent does not respond fully and truthfully to this Information Request or adequately justify the failure to do so, the Respondent may be subject to civil penalties or criminal fines under Section 309 of the CWA, 33 U.S.C. §1319. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35.

The EPA appreciates your prompt attention to this matter. If you would like an opportunity to confer, or if you have any questions relating to this request for information, please contact Mr. John C. Goodwin at (404) 562-8488. Thank you for your cooperation in this matter.

Sincerely,



Mary Jo Bragan, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosures

1. Clean Water Act Section 308/311 Information Request
2. Statement of Certification
3. Small Business Regulatory Enforcement and Fairness Act Information Sheet